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St. Johns River Water Management District: Petition for Administrative Hearing

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ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

MICHAEL W. WOODWARD,
CATHLENE DENNY, and
TERESA BURKITT,

File of Record No.: 4-031-0359
12-031-0007A

Petitioners,

vs.

UNIVERSITY OF NORTH FLORIDA
and ST. JOHNS RIVER WATER
MANAGEMENT DISTRICT,

Respondents.

PETITION FOR ADMINISTRATIVE HEARING

Petitioners, MICHAEL W. WOODWARD, CATHLENE DENNY and TERESA BURKITT, by the undersigned attorney, petition for an administrative hearing pursuant to Section 120.57(1) of the Florida Statutes and Rule 40C-1.521 (2) of the Florida Administrative Code and allege:

1. The name and address the agency (District) is given below in the Certificate of Service. Its file numbers are given in the caption.

2. The names and addresses of the petitioners are:

MICHAEL W. WOODWARD
[REDACTED]

CATHLENE DENNY
[REDACTED]

TERESA BURKITT
[REDACTED]

3. Substantial interests of petitioners will be adversely affected by the District's proposed action because:

a. Petitioners are students at the University of North Florida (UNF). A major inducement in each petitioners decision to attend UNF was the environmental attributes of the campus itself and UNF's tradition of promoting the educational and recreational values of its natural amenities.

b. Petitioners are officers or members of the Sawmill Slough Conservation Club. This club is an unincorporated voluntary association of students and ^{is an} officially recognized student organization which is dedicated to protecting and conserving the natural resources of the UNF campus. It is the campus based environmental watchdog and represents the environmental interests of the student body, faculty, and alumni, all of which overwhelmingly oppose the proposed projects. The club was instrumental in creating a system of trails running through the natural areas of the campus.

c. Each petitioners' enjoyment and use of: the wet and

upland systems and the educational and recreational benefits they provide; campus plant and wildlife communities and the nature trails will be adversely affected by the proposed projects.

d. It is the associational duty of these officers or members to protect the natural resources and amenities of the UNF campus and prevent encroachments on campus nature trails and lessen their recreational value.

4. Petitioner, MICHAEL W. WOODWARD, received notice of the District's intent to grant the applications by hand delivery on July 23, 1990.

5. Petitioners dispute the following issues of material facts:

a. The real purpose of the Eastern connector and the loop is to ~~too~~ benefit the private interests of offsite developers.

b. The Loop Road will not relieve traffic congestion.

c. The actual amount of wetlands lost or adversely affected is more than that estimated in the application.

d. The direct and indirect impacts to and effects on Boggy and Buckhead Branches from the proposed activities will be more harmful than estimated.

e. The applicant has not given reasonable assurances that its activities will not:

1. Adversely affect public land, recreational development, natural resources, fish and wildlife.

2. Be otherwise inconsistent with the overall objective of the District or harmful to the water resources of this district.

6. Petitioners believe that Chapter 373 and 403 and applicable rules entitle them to relief.

WHEREFORE, Petitioners demand that the applications be denied.

TIMOTHY KEYSER
Attorney for Petitioners
Florida Bar No.: 181740
Post Office Box 92
Interlachen, Florida 32148
(904) 684-4673

CERTIFICATE OF FILING AND SERVICE

I CERTIFY that the original of this petition has been hand delivered to the District Clerk at the the District headquarters

on SR 100 in Putnam County, Florida and copies hereof have been furnished to Marcia P. Parker, Attorney for University of North Florida, 1300 Building, 1300 Gulf Life Drive, Jacksonville, Florida 32207 and Clare E. Gray, Attorney for St. Johns River Water Management District, Post Office Box 1429, Palatka, Florida 32178-1429 by U. S. mail this _____ day of August, 1990.

TIMOTHY KEYSER, ATTORNEY